

REMARKS

Claims 1-3 and 5-9 are now pending in this application, with claim 1 being the only independent claim. Independent claim 1 has been amended. Claim 4 is canceled without prejudice or disclaimer. Support for the amendment to independent claim 1 may be found, for example, at pg. 4, lines 29-30; pg. 5, lines 2-5; and claim 4 of the specification as originally filed. No new matter has been added. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claims 1-7 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,276,342 ("*Sinz*") in view of U.S. Patent No. 6,553,973 ("*Coha*"). Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Sinz* in view of *Coha*, and further in view of U.S. Patent No. 5,797,377 ("*Fischerkeller*"). For the following reasons, reconsideration and withdrawal of these rejections are respectfully requested.

Independent claim 1 has been amended to recite "wherein the suction sides of said suction jet pumps are each arranged above a designated minimum height in said surge chambers such that if the filling level of one surge chamber drops below the minimum height, the feeding of fuel from the one surge chamber ceases". Support for this amendment may be found, for example, at pg. 4, lines 29-30; pg. 5, lines 2-5; and original claim 4 of the instant specification. No new matter has been added. The combination of the cited art fails to teach or suggest this limitation.

The combination of *Sinz* and *Coha* fails to teach or suggest the above limitations of independent claim 1.

Sinz shows an arrangement having two suction jet pumps (23, 24) (see FIG. 1), which are arranged outside of the surge chambers. *Sinz* (col. 3, lines 3-6) explains "that, even when the

motor vehicle is traveling around relatively long bends or on hills, the baffles 9, 10 of the feed units are constantly filled from all regions of the fuel tank 1". This, however, is a passive arrangement, in that there is no balancing of fuel between a pair of baffles. That is, the jet pumps of *Sinz* do not pump fuel from one chamber to the other. Rather, the fuel pumps of *Sinz* are arranged to draw or pull fuel from either side of the saddle (4) (see FIG. 1). Since the jet pumps of *Sinz* are arranged outside of the surge chambers, *Sinz* fails to teach or suggest "wherein the suction sides of said suction jet pumps are each arranged above a designated minimum height in said surge chambers such that if the filling level of one surge chamber drops below the minimum height, the feeding of fuel from the one surge chamber ceases", as recited in now amended independent claim 1.

Arranging the suction side of each suction jet pump of the claimed invention above a designated minimum height in each surge chambers permits balancing of the fuel between the surge chambers, because the feeding of fuel from the surge chamber ceases when the filling level of one surge chamber drops below the minimum height of the suction side. There is no teaching or suggestion in *Sinz* of the claimed arrangement.

Coha, on the other hand, discloses an arrangement in which one bypass pump (70) provides fuel directly to the fuel regulator (62) (see FIG. 1). *Coha* (col. 3, lines 40-42; FIG. 1) teaches that "[t]he fuel tank 12 includes a first fuel line 72 connecting the by-pass fuel jet pump 68 to the fuel filter 32 of the fuel tank cover and fuel filter assembly 10 and may include a second fuel filter line 74 connecting the by-pass fuel jet pump 68 to the high-pressure fuel jet pump 70". *Coha* thus teaches a fuel tank in which only one by-pass fuel jet pump (68) provides fuel to the opposing chamber. Although *Coha* refers to the pumps 68 and 70 as jet pumps, *Coha* shows these jet pumps arranged on a bottom surface of the surge chambers. Accordingly, *Coha*

fails to teach or suggest “wherein the suction sides of said suction jet pumps are each arranged above a designated minimum height in said surge chambers such that if the filling level of one surge chamber drops below the minimum height, the feeding of fuel from the one surge chamber ceases”.

Accordingly, independent claim 1, as amended, is allowable over the combination of *Sinz* and *Coha*.

The Examiner has also acknowledged that the combination of *Sinz* and *Coha* fails to teach or suggest “working fluid connections of each of the suction jet pumps are provided for connection to a return line which returns fuel from an internal combustion engine into the fuel tank”, as recited in dependent claim 8, and cites *Fischerkeller* for this feature. Applicants, however, respectfully disagree that the combination of *Sinz*, *Coha* and *Fischerkeller* achieves the fuel pump of now-amended independent claim 1. There is nothing in the cited prior art with respect to the claimed arrangement of the suction sides of said suction jet pumps are each arranged above a designated minimum height in said surge chambers such that if the filling level of one surge chamber drops below the minimum height, the feeding of fuel from the one surge chamber ceases. The combination of *Sinz*, *Coha* and *Fischerkeller* thus fails to teach or suggest applicants’ claimed fuel supply system. Applicants accordingly assert that independent claim 1 is therefore patentably distinct over the combination of *Sinz*, *Coha* and *Fischerkeller*.

In view of the foregoing, reconsideration and withdrawal of all the rejections under 35 U.S.C. §103(a) are in order, and a notice to that effect is requested.

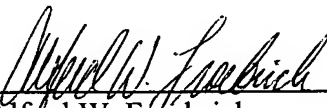
In view of the patentability of independent claim 1, dependent claims 2-9 are also patentable over the prior art for the reasons set forth above, as well as for the additional recitations contained therein.

Based on the foregoing remarks, this application is in condition for allowance. Early passage of this case to issue is respectfully requested.

Should the Examiner have any comments, questions, suggestions, or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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